

# Urban and Community Forestry Program

# FACT SHEET

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## SETBACK TREE PLANTING

### One Tool for Improving Management of Your Urban and Community Forest

**What is setback planting?** Setback planting refers to the practice of planting public trees, for the common good, beyond the public right-of-way and on private property.

**What laws govern setback planting, and are setback trees “public shade trees?”**

Massachusetts General Law (MGL) Chapter 87, Section 7 specifically allows towns to plant trees within 20 feet of the public right-of-way, provided that written permission from the adjoining property owner is obtained first. MGL Chapter 87, Section 1 states that trees planted under this provision are defined as “public shade trees” and thus protected by all sections of MGL Chapter 87.

**Why consider setback plantings?**

The public right-of-way often contains various obstructions and hazards for trees. Limited soil volume, compacted soils, overhead wires, underground utilities, sidewalks, road salt, and passing vehicles all significantly hinder a tree’s ability to thrive and survive, and limit the selection of trees that can be safely and appropriately planted within these zones.

Setback plantings allow public tree managers more flexibility in working with residents to plant “the right tree in the right place” and can provide trees with more “growing space” and better conditions under which to survive, thrive and achieve their full potential.

According to the experiences of Tree Wardens around Massachusetts who have been engaging in setback plantings within their communities, setback trees tend to be healthier, more vigorous, develop better canopies and root areas, and receive better care by adjacent property owners than trees planted in similar situations within the right-of-way.

Additional advantages to setback planting include:

- ❖ Setback planting can allow for a partnership between municipal tree managers and private owners and help make the most of public tree care tax dollars and resources.
- ❖ It is an effective way to work with residents in selecting and planting the “right tree for the right place.” Resident commitment to take pride and care for “their” trees is therefore amplified.
- ❖ There is less chance for tree disfigurement as a result of fewer conflicts with utilities.
- ❖ This also results in potentially improved electrical and other utility reliability.

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### **What are the potential disadvantages of setback planting?**

Tree Wardens engaged in setback plantings cite few disadvantages to the practice. However, some of the potential disadvantages may include:

- ❖ Loss of some streetscape design opportunities such as traffic calming, creating a barrier between pedestrian and vehicular traffic, and creating a tunnel-like design.
- ❖ Some loss of municipal control or protection of setback trees.
- ❖ The challenges of educating property owners in proper tree care.
- ❖ The potential to favor planting in neighborhoods where setbacks are possible and over-look neighborhoods or areas where setbacks are not possible.

### **How does setback planting work in practice in different communities?**

**Concord:** The Town of Concord engages in setback planting under most circumstances. Town tree managers have found that in most cases, the area beyond the public right-of-way provides the best conditions for trees to thrive. They approach property owners in target areas to gain verbal permission for planting, or respond to requests from property owners, and together, town tree managers and property owners select the appropriate location and species for tree plantings. The town then maintains these trees for two years with proper watering and mulching. After two years, the town sends the property owner educational materials on proper tree care, pruning standards, tips on hiring an arborist, and other issues regarding the tree care including avoiding mulch volcanoes, weed whip and lawn mower damage, problems with compaction, etc. After two years, the tree is considered a private tree, property owners are expected to take on the ownership and stewardship of the tree, and they do not need any town permission to trim or remove the tree for any reason.

**Brookline:** The Town of Brookline is in the process of improving, formalizing and expanding its setback planting program. Brookline actively advertises their “Back-of-Sidewalk” program. Property owners interested in a setback tree, apply for a tree and sign a formal agreement. Under this program the town (with input from the owner) will select, plant and maintain the tree as a public tree for a period of five years. The property owner agrees to water their new tree, and after the initial five-year period, assume full ownership and stewardship of the tree. The town provides property owners with information on tree care during this initial period. The town also keeps a database of setback trees and is considering developing an ordinance to further protect them.

**East Bridgewater:** The Town of East Bridgewater has been doing setback planting for over 50 years in combination with planting in public ways. The top priorities for setback plantings in East Bridgewater are replacement trees. East Bridgewater obtains verbal permission from adjacent property owners to plant a tree as a setback, and encourages property owners to water, mulch and maintain these trees. The town helps maintain newly planted trees and performs mature tree pruning and removal when requested **and** warranted. Town tree managers will allow private owners to prune or remove trees if they wish.

For more information on setback planting or other urban and community forestry issues, please contact DEM’s Urban and Community Forestry Program at:

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